

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**Mr. David A. Caretto
General Manager
South Orange County Wastewater
Authority
34156 Del Obispo
Dana Point, CA 92629**

)
)
) **COMPLAINT NO. R9-2005-0124**
) **FOR**
) **ADMINISTRATIVE CIVIL**
) **LIABILITY**
) **WITH**
) **MANDATORY MINIMUM PENALTY**

)
) **June 17, 2005**
)
)

**VIOLATION OF EFFLUENT LIMITS IN
ORDER NO. R9-2000-0013, NPDES NO.
CA0107417, WASTE DISCHARGE
REQUIREMENTS AND NPDES PERMIT
FOR THE SOUTH ORANGE COUNTY
WASTEWATER AUTHORITY (SOCWA)
DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE SOUTH ORANGE COUNTY
WASTEWATER AUTHORITY SAN JUAN
CREEK OCEAN OUTFALL ORANGE
COUNTY, CALIFORNIA
WDID NO. 9 000000175**

**THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY IS HEREBY GIVEN
NOTICE THAT:**

1. SOCWA is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act (CWC), Water Code section 13385. The violations alleged herein include violations of effluent limitations for discharges of pollutants to navigable waters for which the Regional Board must impose Mandatory Minimum Penalties (MMP).
2. SOCWA discharges treated wastewater to the Pacific Ocean subject to numeric effluent limitations, contained in Order No. R9-2000-0013, NPDES Permit No. CA0107414 *Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South Orange County Wastewater Authority San Juan Creek Ocean Outfall, Orange County.*

3. The CWC includes provisions for MMP for serious and chronic violations of waste discharge requirements applying to surface water discharges.

The pertinent revisions can be found in CWC Sections 13385 (h) and (i). Each serious violation, defined as an exceedance of an effluent limitation for a Group I pollutant by 40 percent or more, or for a Group II pollutant by 20 percent or more, is subject to a \$3,000 MMP. Furthermore, the occurrence of four or more chronic violations, defined as any effluent violation, in any six-month period triggers the assessment of a \$3,000 MMP for the fourth violation and each subsequent violation during the six-month period.

ALLEGATIONS

4. During January 2005, the discharge exceeded effluent limits for Carbonaceous Biochemical Oxygen Demand (CBOD) and Total Suspended Solids (TSS) as set forth in Table 1 (attached).
5. Under subdivisions (h) and (i) of Section 13385 of the Water Code, the Regional Board must impose an MMP of \$9,000 for the alleged violations of effluent limits, as determined by the following:
 - a. On October 27, 2004, the discharger exceeded the daily maximum effluent limit for settleable solids, a "Group I" pollutant. Under subdivision (i)(1) of Section 13385 this is the first violation of a waste discharge requirement effluent limitation in a six-month period for which the MMP under subdivision (h)(1) of Section 13385 is \$0 for a total of \$0.
 - b. On January 9, 2005 the discharger exceeded the daily maximum effluent limit for Carbonaceous Biochemical Oxygen Demand (CBOD), a "Group I" pollutant. This effluent limitation violation is not a "serious" violation under subdivision (h)(2) of Section 13385. Under subdivision (i)(1) of Section 13385 this is the second violation of a waste discharge requirement effluent limitation in a six-month period for each of which the MMP under subdivision (h)(1) of Section 13385 is \$0 for a total of \$0.
 - c. On January 9, 2005 the discharger exceeded the mass emissions rate (MER) daily maximum effluent limitation for Carbonaceous Biochemical Oxygen Demand (CBOD), a "Group I" pollutant, by greater than 40% on one occasion as shown in Table 1. This effluent limitation violation is a "serious" violation under subdivision (h)(2) of Section 13385, for which the MMP under subdivision (h)(1) of Section 13385 is \$3,000 for a total of \$3,000.
 - d. On January 9, 2005 the discharger exceeded the daily maximum effluent limitation for Total Suspended Solids (TSS), a "Group I" pollutant, by greater than 40% on one occasion as shown in Table 1. This effluent limitation violation is a "serious"

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violation under subdivision (h)(2) of Section 13385, for which the MMP under subdivision (h)(1) of Section 13385 is \$3,000 for a total of \$3,000.

- e. On January 9, 2005 the discharger exceeded the mass emissions rate (MER) daily maximum effluent limitation for Total Suspended Solids (TSS), a "Group I" pollutant, by greater than 40% on one occasion as shown in Table 1. This effluent limitation violation is a "serious" violation under subdivision (h)(2) of Section 13385, for which the MMP under subdivision (h)(1) of Section 13385 is \$3,000 for a total of \$3,000.

PROPOSED CIVIL LIABILITY

6. Pursuant to Section 13385 (h) and (i) of the California Water Code, the Regional Board must impose mandatory minimum penalties of \$9,000 on SOCWA. No additional civil liability for the violations alleged in this Complaint is recommended.

Dated this 17th day of June 2005


JOHN H. ROBERTUS
Executive Officer

\$9,000